

AMENDED IN SENATE MAY 14, 2003

AMENDED IN SENATE MAY 5, 2003

## SENATE BILL

**No. 10**

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### Introduced by Senator Poochigian

December 2, 2002

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An act to ~~amend Sections 26105 and 26132 of, and to repeal Section 26134 of,~~ *repeal Section 26134 of* the Water Code, relating to irrigation districts.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 10, as amended, Poochigian. Irrigation districts: assessment sale.

Existing law, the Irrigation District Law, authorizes the sale of property to an irrigation district to recover delinquent assessments, together with penalties and costs, that are owed to that district. ~~Under existing law, the collector is required to publish a list of delinquencies and a notice specifying that delinquent parcels will be sold to the district.~~ The district law provides for the preparation of a certificate of sale in connection with the sale of delinquent property, and authorizes an irrigation district to assign that certificate of sale for a consideration of not less than the amount of the assessment, penalties, and costs.

~~This bill would require that the list of delinquencies and notice be sent by certified mail or personal service to the last assessee of the delinquent property. The bill would repeal the provision authorizing an irrigation district to assign the certificate of sale. The bill would require that a copy of the certificate of sale be sent by certified mail or personal service to the last assessee of the delinquent property. The bill would also require notice that a certificate of sale has been issued on the~~

~~property to be sent annually during each year of the redemption period to the last assessee of the delinquent property by certified mail or personal service.~~

~~The new requirements of the bill for an irrigation district would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes no. state-mandated local program: yes no.~~

*The people of the State of California do enact as follows:*

1    ~~SECTION 1.—Section 26105 of the Water Code is amended to~~  
2    ~~read:~~

3    ~~26105.—(a) The list of delinquencies and notice shall be~~  
4    ~~published once a week for three successive weeks in a newspaper~~  
5    ~~published in the county in which the delinquent property is situated~~  
6    ~~but only information pertaining to and descriptions of land situated~~  
7    ~~in the county need be set forth in the publication in that county.~~

8    ~~(b) The list of delinquencies and notice shall be sent by certified~~  
9    ~~mail or personal service to the last assessee of the delinquent~~  
10   ~~property addressed to his or her last address shown on the~~  
11   ~~assessment roll.~~

12   ~~SEC. 2.—Section 26132 of the Water Code is amended to read:~~

13   ~~26132.—(a) Of each of the duplicate certificates of sale one~~  
14   ~~shall be retained by the collector and the other shall be recorded~~  
15   ~~in the office of the county recorder of the county in which the~~  
16   ~~property is situated.~~

17   ~~(b) A copy of the certificate of sale shall also be sent by certified~~  
18   ~~mail or personal service to the last assessee of the delinquent~~

1 ~~property addressed to his or her last address shown on the~~  
2 ~~assessment roll.~~

3 ~~(c) The district shall also, annually notify the last assessee of~~  
4 ~~the delinquent property, for each year of the redemption period,~~  
5 ~~that a certificate of sale has been issued on the delinquent property.~~  
6 ~~That notice shall be sent by certified mail or personal service to the~~  
7 ~~last address for the assessee shown on the assessment roll.~~

8 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~  
9 ~~Code, if the Commission on State Mandates determines that this~~  
10 ~~act contains costs mandated by the state, reimbursement to local~~  
11 ~~agencies and school districts for those costs shall be made pursuant~~  
12 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
13 ~~2 of the Government Code. If the statewide cost of the claim for~~  
14 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
15 ~~reimbursement shall be made from the State Mandates Claims~~  
16 ~~Fund.~~

17 ~~SEC. 3.—~~

18 *SECTION 1.* Section 26134 of the Water Code is repealed.